

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT O. DINKINS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:19-cv-2398-PLC
)	
U.S. PENITENTIARY ATLANTA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon review of the file. Plaintiff Robert O. Dinkins, a federal prisoner, initiated this action on August 20, 2019 by filing a document titled “Motion of Imminent Danger,” accompanied by a list of witnesses and a description of the testimony plaintiff believed they would offer. He neither paid the filing fee nor sought leave to proceed in forma pauperis, nor did he sign the document. On August 30, 2019, the Court entered an order noting that it appeared plaintiff may have intended to file a civil rights complaint, and directing plaintiff to either pay the filing fee or file a motion for leave to proceed in forma pauperis and to file a signed amended complaint. In that order, the Court cautioned plaintiff that if he failed to timely comply, the Court would strike the unsigned document pursuant to Rule 11 of the Federal Rules of Civil Procedure, and would dismiss this action without prejudice and without further notice.

Plaintiff’s response was due to the Court on September 30, 2019. To date, however, he has neither responded to the Court’s order nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, and he was given ample time to comply. The Court will therefore strike the unsigned document. *See* Fed. R. Civ. P. 11(a). The Court will also

dismiss this action without prejudice due to plaintiff's failure to comply with the Court's August 30, 2019 order. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803-04 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall **STRIKE** document number 1.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

Dated this 21st day of October, 2019.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE